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09/872,081	06/01/2001	Mitchell T. Berg	29820.13	3834

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EXAMINER

DUONG, OANH L

ART UNIT PAPER NUMBER

2155

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,081

Applicant(s)

BERG, MITCHELL T.

Examiner

Oanh L. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/03/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-24 are presented for examination.

Specification Objection

1. The disclosure is objected to because of the following informalities:

On page 2, the text of the second paragraph should be updated with current status of the cited application such as U.S. Patent Application Serial No., a filing date, U.S. Patent No., and/or the issued date.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-15 and 17- 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters (US 6,374,300 B2) in view of Muller et al. (Muller) (US 6,453,360 B1)

Regarding claim 1, Master teaches an information processing system (Fig. 6A), comprising:

A first computing device (i.e., server array controller 118) [Fig. 1B] for:

receiving first information that has been formed according to application software instructions (i.e., the selected node server generates an HTTP response and provides the generated HTTP response to the server array controller 118) [see col. 12 lines 41-44];

independent of the application software instructions, forming a second information for causing a second computing device to perform an operation (i.e., server array controller 118 rewrites the data packet(s) containing the HTTP response so that (HTTP) Cookie (or HTTP session identifier) information identifying the node server selected to provide access to the requested resources can be inserted into the data packet) [see col. 12 lines 44-48];

in response to receiving the first information, executing the protocol stack instructions to form a packet include at least the first and second information (i.e., provides the generated HTTP response to the server array controller 118...where the server array controller 118 rewrites the data packet(s) containing the HTTP response so that Cookie information identifying the node server selected to provide access to the requested resources can be inserted into the data packet) [col. 12 lines 44-48] ;

outputting the packet to the second computer (i.e., the server array controller 118 provides to the client 10 the rewrite data packet that includes the HTTP response and the inserted Cookie information) [see col. 12 lines];

Masters does not explicitly teach executing the protocol stack instructions to form a packet.

Muller teaches executing the protocol stack instructions to process a packet (i.e., INC 100 is therefore configured to process packets using one of several protocol stacks compatible with Internet) [see col. 11 lines 53-54 and col. 12 lines 37-45]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of executing the protocol stack instructions to process a packet of Muller in the process of forming a packet in Masters because such executing the protocol stack instructions to process a packet would enable protocol headers to be processed by a processor located on the server array controller (or computing device, or NIC), and the higher layer processing which must be performed by the selected node server to be simplified. Thus, the performance of information processing system would be improved.

Regarding claim 2, Master does not explicitly teach executing the protocol stack instruction for forming the packet in accordance with a network protocol. Muller teaches in response to receiving the first information, executing the instructions for forming the packet in accordance with a network protocol (i.e., the processing enhancements discussed above (e.g., re-assembling data, batch processing packet headers, distributing protocol stack processing) are possible for packets received from network that are formatted according to one or more pre-selected protocol...process packets

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using one of several protocol stacks compatible with the Internet) [Muller, see col. 12 lines 37-49]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of executing the protocol stack instructions to process a packet of Muller in the process of forming a packet (or response) in Masters because such executing the protocol stack instructions to process a packet would enable protocol headers to be processed by a processor located on the server array controller (or computing device, or NIC), and the higher layer processing which must be performed by the selected node server to be simplified. Thus, the performance of information processing system would be improved.

Regarding claim 3, Master-Muller teaches the network protocol is TCP/IP (i.e., TCP/IP handshake is performed between the client 10 and the server array controller 118) [Master, page 7 paragraph 84].

Regarding claim 5, Master-Muller teaches outputting the packet to the second computing device (i.e., client 10) through a network in accordance with the network protocol (i.e., provides to the client 10 the rewritten data packet that includes the HTTP response and the inserted Cookie information) [Master, Fig. 1A, page 7 paragraph 85].

Regarding claim 6, Master-Muller teaches the network is a global computer network (i.e., a wide area network such as Internet) [Master, page 8 paragraph 96].

Regarding claim 7, Master-Muller teaches the network is an IP network (i.e., a wide area network such as Internet) [Master, page 8 paragraph 96].

Regarding claim 8, Master teaches in response to receiving the first information, executing the instructions for forming the packet and the data portion including the first and second information (i.e., controller inserts cookie information identifying server in header of HTTP response and rewrite data packet for HTTP response) [Fig. 6A, block 238]. Masters does not explicitly teach executing the protocol stack instructions to form a packet. However, Muller teaches executing the protocol stack instructions to process a packet (including a header portion and data portion, and header including at least one header, FIG. 2) (i.e., INC 100 is therefore configured to process packets using one of several protocol stacks compatible with Internet) [see col. 11 lines 53-54 and col. 12 lines 37-45]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of executing the protocol stack instructions to process a packet of Muller in the process of forming a packet in Masters because such executing the protocol stack instructions to process a packet would enable protocol headers to be processed by a processor located on the server array controller (or computing device, or NIC), and the higher layer processing which must be performed by the selected node server to be simplified. Thus, the performance of information processing system would be improved.

Regarding claim 9, Master-Muller teaches the second device is a client computing device (i.e., client 10) [Master, Fig. 1, col. 6 lines 34-46].

Regarding claim 10, Master-Muller teaches the operation including maintaining a session (i.e., the HTTP request along with the Cookie is transmitted from the client 10 to the server array controller) [Masters, see col. 12 lines 61-63].

Regarding claim 11, Master-Muller teaches maintaining a session by addressing a subsequent packet to the first computing device (i.e., the HTTP request along with the Cookie is transmitted from the client 10 to the server array controller) [Masters, see col. 12 lines 61-63].

Regarding claim 12, Master-Muller teaches the operation includes modifying state information [Masters, col. 12 line 64-col. 13 line 24].

Regarding claim 13, Master teaches a method performed by a first computing device (i.e., server array controller 118, Fig. 1A) of an information processing system (Fig. 6A), the method comprising:

receiving first information that has been formed according to application software instructions (i.e., the selected node server generates an HTTP response and provides the generated HTTP response to the server array controller 118) [see col. 12 lines 41-44];

independent of the application software instructions, forming a second information for causing a second computing device to perform an operation (i.e., server array controller 118 rewrites the data packet(s) containing the HTTP response so that (HTTP) Cookie (or HTTP session identifier) information identifying the node server selected to provide access to the requested resources can be inserted into the data packet) [see col. 12 lines 44-48];

in response to receiving the first information, executing the protocol stack instructions to form a packet include at least the first and second information (i.e., provides the generated HTTP response to the server array controller 118...where the server array controller 118 rewrites the data packet(s) containing the HTTP response so that Cookie information identifying the node server selected to provide access to the requested resources can be inserted into the data packet) [col. 12 lines 44-48];

outputting the packet to the second computer (i.e., the server array controller 118 provides to the client 10 the rewrite data packet that includes the HTTP response and the inserted Cookie information) [see col. 12 lines];

Masters does not explicitly teach executing the protocol stack instructions to form a packet.

Muller teaches executing the protocol stack instructions to process a packet (i.e., INC 100 is therefore configured to process packets using one of several protocol stacks

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compatible with Internet) [see col. 11 lines 53-54 and col. 12 lines 37-45]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of executing the protocol stack instructions to process a packet of Muller in the process of forming a packet in Masters because such executing the protocol stack instructions to process a packet would enable protocol headers to be processed by a processor located on the server array controller (or computing device, or NIC), and the higher layer processing which must be performed by the selected node server to be simplified. Thus, the performance of information processing system would be improved.

Regarding claim 14, Master does not explicitly teach executing the protocol stack instruction for forming the packet in accordance with a network protocol. Muller teaches in response to receiving the first information, executing the instructions for forming the packet in accordance with a network protocol (i.e., the processing enhancements discussed above (e.g., re-assembling data, batch processing packet headers, distributing protocol stack processing) are possible for packets received from network that are formatted according to one or more pre-selected protocol...process packets using one of several protocol stacks compatible with the Internet) [Muller, see col. 12 lines 37-49]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of executing the protocol stack instructions to process a packet of Muller in the process of forming a packet (or response) in Masters because such executing the protocol stack instructions to process

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a packet would enable protocol headers to be processed by a processor located on the server array controller (or computing device, or NIC), and the higher layer processing which must be performed by the selected node server to be simplified. Thus, the performance of information processing system would be improved.

Regarding claim 15, Master-Muller teaches the network protocol is TCP/IP (i.e., TCP/IP handshake is performed between the client 10 and the server array controller 118) [Master, page 7 paragraph 84].

Regarding claim 17, Master-Muller teaches outputting the packet to the second computing device (i.e., client 10) through a network in accordance with the network protocol (i.e., provides to the client 10 the rewritten data packet that includes the HTTP response and the inserted Cookie information) [Master, Fig. 1A, page 7 paragraph 85].

Regarding claim 18, Master-Muller teaches the network is a global computer network (i.e., a wide area network such as Internet) [Master, page 8 paragraph 96].

Regarding claim 19, Master-Muller teaches the network is an IP network (i.e., a wide area network such as Internet) [Master, page 8 paragraph 96].

Regarding claim 20, Master teaches in response to receiving the first information, executing the instructions for forming the packet and the data portion including the first

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and second information (i.e., controller inserts cookie information identifying server in header of HTTP response and rewrite data packet for HTTP response) [Fig. 6A, block 238]. Masters does not explicitly teach executing the protocol stack instructions to form a packet. However, Muller teaches executing the protocol stack instructions to process a packet (including a header portion and data portion, and header including at least one header, FIG. 2) (i.e., INC 100 is therefore configured to process packets using one of several protocol stacks compatible with Internet) [see col. 11 lines 53-54 and col. 12 lines 37-45]. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have utilized the step of executing the protocol stack instructions to process a packet of Muller in the process of forming a packet in Masters because such executing the protocol stack instructions to process a packet would enable protocol headers to be processed by a processor located on the server array controller (or computing device, or NIC), and the higher layer processing which must be performed by the selected node server to be simplified. Thus, the performance of information processing system would be improved.

Regarding claim 21, Master-Muller teaches the second device is a client computing device (i.e., client 10) [Master, Fig. 1, col. 6 lines 34-46].

Regarding claim 22, Master-Muller teaches the operation including maintaining a session (i.e., the HTTP request along with the Cookie is transmitted from the client 10 to the server array controller) [Masters, see col. 12 lines 61-63].

Regarding claim 23, Master-Muller teaches maintaining a session by addressing a subsequent packet to the first computing device (i.e., the HTTP request along with the Cookie is transmitted from the client 10 to the server array controller) [Masters, see col. 12 lines 61-63].

Regarding claim 24, Master-Muller teaches the operation includes modifying state information [Masters, see col. 12 line 64-col. 13 line24].

3. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters (US 2001/0023442 A1) in view of Muller et al. (Muller) (US 6,453,360 B1) in further view of Admitted Prior Art (APA).

Regarding claim 4, Masters-Muller does not explicitly teach the network protocol is UDP/IP. However, APA teaches the network protocol is UDP/IP (page 8 lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have utilized the UDP/IP protocol of APA in the process of communicating packets in Masters-Muller because it was conventionally employed in the art to provide faster interactive response to a client's request.

Regarding claim 16, Masters-Muller does not explicitly teach the network protocol is UDP/IP. However, APA teaches the network protocol is UDP/IP (page 8 lines 1-3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have utilized the UDP/IP protocol of APA in the process of communicating packets in Masters-Muller because it was conventionally employed in the art to provide faster interactive response to a client's request.

4. Further references of interest are cited on Form PTO-892 which is an attachment to this office action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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O.D

March 10, 2005



HOSAIN ALAM

SUPERVISORY PATENT EXAMINER
